

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated November 5, 2004, indicated that claims 1-9 are rejected under 35 U.S.C. § 103(a) over Larky *et al.* (U.S. Patent No. 6,311,294) in view of Thomson (U.S. Patent No. 6,073,205).

Applicant respectfully traverses the Section 103(a) rejection because the Office Action fails to teach a combination of references that corresponds to the claimed invention. The cited combination of references fails to teach a first station that repeatedly sends requests for data to a second station and also fails to teach a second station that responds to each request by sending a message with a data item or sending a negative acknowledge signal, as claimed. The Office Action cites portions of the Background section of the '294 disclosure (pending-IN process) as allegedly corresponding to these claimed aspects; however, the '294 disclosure teaches that the cited host 12 and device 14 operate using an alternative process that intentionally avoids these claim limitations and expressly teaches away from the claimed invention. *See*, col. 5, line 67 – col. 6, line 12. Without a showing of correspondence to each of the claimed limitations, the Section 103(a) rejection cannot be maintained. Applicant accordingly requests that the rejection be withdrawn.

Applicant also respectfully traverses the Section 103(a) rejection because the Office Action fails to present the requisite evidence of motivation to support the asserted modification. The Office Action must present evidence that the cited references suggest the desirability of the claimed invention. MPEP § 2143.01. The primary '294 reference is directed to a method of sending bulk data in response to a device 14 sending a positive (data available) acknowledge signal to a host 12. *See* col. 6, lines 1-12. Without presenting any evidence or explanation of how the combination would be implemented, the Office Action proposes modifying the '294 device 14 to include a FIFO buffer taught by the '205 reference. Applicant fails to recognize any evidence that inserting the '205 FIFO buffer into the '294 system would achieve the structure and function of the claimed invention or that the skilled artisan would be motivated to perform the proposed modification. Without presenting any evidence of motivation in the cited references to modify the '294 reference to

achieve the claimed invention, the Office Action fails to present a *prima facie* Section 103(a) rejection and Applicant requests that the rejection be withdrawn.

Moreover, the primary reference cited by the Office Action teaches away from the claimed invention. The instant invention is directed to, for example, a bus system that includes a first station repeatedly sending requests for data to a second station and the second station responding to each request. *See, e.g.*, claim 1. The Office Action relies on a portion of the Background of the '294 reference (col. 2, lines 36-48) as allegedly corresponding to these limitations. However, as discussed above, the '294 reference teaches away from these aspects discussed in the Background. The '294 reference teaches an alternative system where the device 14 (alleged second station) initiates bulk data retrieval, which prevents the host 12 (alleged first station) from continuously sending IN tokens to the device 14. *See*, col. 5, line 67 – col. 6, line 12. The '294 system purposely avoids having the host repeatedly sending requests to the device in order to relieve inefficiencies such as traffic burden on the bus and degradation of overall system performance. *See* col. 2, lines 49-62. Since the primary '294 reference teaches away from the claimed invention, the skilled artisan would not be motivated to modify the '294 reference as asserted. Applicant accordingly requests that the rejection be withdrawn.

With particular respect to the rejection of claims 4, 6, 7 and 8, the rejection violates 35 U.S.C. § 132 for failing to identify the rejection and reasons therefore. Applicant is confused as to the Office Action's discussion and citations to a Chung reference. None of the claims in the instant Office Action are rejected in view of a Chung reference. If the Office Action intended to reject the claims in view of a Chung reference, Applicant requests further clarification and an opportunity to respond. The rejection of claims 4, 6, 7 and 8 is unsupported and improper; thus, Applicant requests that the rejection be withdrawn.

In view of the remarks above, Applicant believes that the rejection has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Mr. Peter Zawilski, of Philips Corporation at (408) 474-9063.

Please direct all correspondence to:

Corporate Patent Counsel
Philips Intellectual Property & Standards
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131

CUSTOMER NO. 24738

By: 

Name: Robert J. Crawford

Reg. No.: 32,122

(VLSI.412PA)